

REMARKS**Status of the Claims**

This amendment is filed in response to the Office Action dated May 19, 2004. Claims 1-18 are pending. In the Office Action of May 19, 2004, the Examiner rejected claims 1, 4-8 and 11-16 under 35 U.S.C. § 102(b) as being anticipated by Maeng et al., U.S. Patent No. 5,991,277. The Examiner rejected claims 2-3, 9-10 and 17-18 under 35 U.S.C. 103(a) as being unpatentable over Maeng in view of Broussard, U.S. Patent No. 6,269,483.

Amendment of the Claims

By this amendment, all of the independent claims (claims 1, 6, and 13) are amended to more particularly and distinctly claim the invention. More specifically, the independent claims are presently amended to explicitly indicate that the step of determining an amount of audio data generated by each participant refers to the physical quantity of the digital audio data, e.g., the number of samples or packets generated by each participant. Support for this amendment is found throughout the drawings, claims and specification, and in particular, in the specification at page 2, lines 14 through 25 and page 7, line 10 through 20.

Claims 1-18 are Patentably Distinguishable Over Maeng

Independent claims 1, 6, and 13 recite the limitations of determining "an amount of the audio data in digital form" and selecting a participant based on the "amount of the audio data in digital form" the participant generates. The Office Action states at page 3 lines 1-5 that Maeng discloses the step of receiving audio samples in a digital form and determining an amount of audio signal generated by each participant of a plurality of participants. However, in Maeng, the audio samples received

in digital form are converted to analog data. See, e.g., col. 5, line 44 to col. 6, line 58. Then the average amplitude/energy level of this analog data is calculated. This value is used in further selecting a prominent video image. See *id.* Hence, independent claims 1, 6, and 13 are allowable because Maeng does not disclose determining the amount of “audio data in digital form” or selecting a dominant audio participant based on the amount of “audio data in digital form” generated by that audio participant. Advantageously, determining an amount of audio data in digital form and selecting a video image based upon that quantity is less complicated than an analog comparison. Claims 2-5, 7-12, and 14-18 are allowable at least because they depend from independent claims 1, 6, or 13.

Claims 2-3, 9-10, and 17-18 are Allowable over Maeng in view of Broussard


Claims 2-3, 9-10, and 17-18 are allowable for the additional reason that they recite counting a number of audio packets or audio samples in audio packets. The Office Action states that Maeng does not disclose the step of determining an amount of audio data by counting a number of audio samples in audio packets generated by each participant in a plurality of participants, but it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Maeng as per the teaching of Broussard to determine the amount of audio data by counting the number of audio samples in audio packets generated by each participant. The applicant respectfully disagrees. Broussard teaches detecting silence in an audio stream by comparing time-averaged amplitudes of the sound or volume of the sound represented by the audio stream with a predetermined threshold level (*i.e.* silence). See, e.g. col. 6, lines 10-13. Like Maeng, Broussard uses analog data, *i.e.* analog

amplitude, not digital data. Broussard does not disclose counting the number of audio packets or samples. Thus, claims 2-3, 9-10, and 17-18 are allowable for the additional reason that neither Maeng nor Broussard teach or suggest determining an amount of audio data by counting a number of audio packets or audio samples in audio packets, *i.e.* digital data, generated by each participant of the plurality of participants.

CONCLUSION

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Reginald J. Hill', is written over a horizontal line.

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